

FILED

UNITED STATES DISTRICT COURT
 for the
 District of New Mexico

United States District Court
 Albuquerque, New Mexico

In the Matter of the Search of
*(Briefly describe the property to be searched
 or identify the person by name and address)*
 14 Walleye Dr., Thoreau, NM 87323
 (approx. 35.276111, -108.128611)

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 })
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Case No. 21-MR-869

Mitchell R. Elfers
 Clerk of Court

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

14 Walleye Dr., Thoreau, NM (aka "TARGET RESIDENCE"), white/off-white "double-wide" style trailer with yellow trim & detached/stand alone structures located on the property (to include vehicles w/in the curtilage and property)
 located in the _____ District of _____ New Mexico _____, there is now concealed (*identify the person or describe the property to be seized*):

Justin STEPP (STEPP) is believed to be residing at "TARGET RESIDENCE" and/or "3RD PARTY RESIDENCE" & currently has a federal AW (mj 21-0488) for federal firearms violation Title 18 U.S.C. 922 (g)(1)--See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
 18 U.S.C. 922 (g)(1)

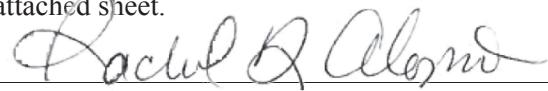
Offense Description
 Felon in Possession of a Firearm and Ammunition

The application is based on these facts:

Attached Affidavit

Continued on the attached sheet.

Delayed notice of _____ days (*give exact ending date if more than 30 days*: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


 Rachel D. Alonzo
 Applicant's signature

Rachel D. Alonzo, SA

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
 Sworn telephonically & submitted by email _____ (*specify reliable electronic means*)

Date: 06/28/2021


 Steven C. Yarbrough, U.S. Magistrate Judge

Printed name and title

City and state: Albuquerque, NM

Steven C. Yarbrough, U.S. Magistrate Judge

Search & Seizure Warrant - Continued.

14 Walleye Dr., Thoreau, NM & 15 Walleye Dr., Thoreau, NM (Justin STEPP; Male, White, 04/1983, 5XX-4X-1675)

AFFIDAVIT FOR SEARCH WARRANT

1. Your Affiant's name is Rachel D. Alonzo. Your Affiant is a Special Agent with the Bureau of Alcohol, Tobacco and Firearms (ATF). Your Affiant has been so employed since November 2016. Currently your Affiant is assigned to the Albuquerque I Field Office, Phoenix Field Division.
2. As a Special Agent, your Affiant received over six (6) months training at the Federal Law Enforcement Training Center (FLETC) in Glynco, GA encompassing firearms laws, firearms nomenclature and identification. In this capacity your Affiant investigates violations of federal criminal statutes, to include violations of federal firearms laws.
3. Prior to this Special Agent training your Affiant was an Industry Operations Investigator and an Industry Operations Intelligence Specialist with ATF. Your Affiant held the aforementioned positions for approximately 8 years under the ATF Kansas City Field Division and/or the ATF Dallas Field Division. Your Affiant received approximately 11 weeks of combined specialized training at FLETC and ATF Headquarters. Training encompassed Federal Firearms Regulations, laws, and intelligence-driven firearms investigations. In the course of my official duties, your Affiant has inspected Federal Firearms Licensees (FFLs), identified thousands of firearms, and investigated various cases involving illegal use and possession of firearms and the violation of Federal Firearms Regulations. Your Affiant is both familiar with and involved with methods of firearms investigations, including, but not limited to, firearms identification, visual surveillance, and interviews. Your Affiant has assisted in the preparation and execution of arrest warrants and search warrants, and have participated in investigations encompassing violations related to subjects who are found to be in possession of illegal and altered firearms.
4. Your Affiant is an investigative, or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Titles 18 and 26, United States Code.
5. The statements contained in this affidavit are based, in part, on information provided by Special Agents and/or Task Force Officers of the ATF, other law enforcement officers,

corrections personnel, and on my background and experience as a Special Agent of the ATF.

6. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

1. On April 15, 2021, United States Magistrate Judge Steven C. Yarbrough, issued a criminal complaint in cause number 21-mj-0488 that charged Justin STEPP (W/M, YOB 1983) with being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924. In connection with that criminal complaint, Judge Yarbrough simultaneously issued an arrest warrant. Since that date, agents from the ATF have been attempting to locate Justin STEPP to execute the arrest warrant. Thus, STEPP is a “person to be arrested” as that phrase is used in Federal Rule of Criminal Procedure 41(c)(4).
2. Through various law enforcement and/or public databases, law enforcement investigative reports/information, and Cibola County Sheriff’s Office (CCSO) case related materials, your Affiant determined that Justin STEPP resides with his girlfriend, S.R., at 14 Walleye, Thoreau, NM (approx. 35.276111, -108.128611; hereinafter referenced as “TARGET RESIDENCE”). STEPP has resided at TARGET RESIDENCE since approximately one to two weeks prior to STEPP’s February 2021 contact with CCSO). At that time, CCSO contacted STEPP at 15 Walleye Dr., in Thoreau, NM (approx. 35.275556, -108.128611; hereinafter referenced as “3RD PARTY RESIDENCE”) where STEPP was arrested and CCOSO executed a search warrant (SW) of the TARGET RESIDENCE for allegations set forth in part within federal complaint/arrest warrant 21-mj-0488. The TARGET RESIDENCE is co-owned by STEPP and his mother D.P.
3. Prior to CCOSO’s February 2021 execution of a SW at the TARGET RESIDENCE, STEPP informed CCOSO that prior to February 2021, he stayed in Albuquerque, NM and would sometimes come up to visit/see his parents at their house in Thoreau. STEPP’s parents currently reside in a green in color trailer located at the 3RD PARTY RESIDENCE and have resided there for approximately two years. The 3RD PARTY RESIDENCE encompasses a partially fenced-in land (with a driveway gate that is open on occasion during the daytime hours), and is located directly across the street, caddy-corner to the south of TARGET RESIDENCE. The driveway entrances to the TARGET RESIDENCE and 3RD PARTY RESIDENCE are within 10-15 feet of each other and the front door entrances to the residences are within approximately 20-25 yards of each other. The TARGET RESIDENCE is a white/off-white in color “double-wide” style trailer with yellow trim (two trailers put together, one long trailer and one shorter trailer).

4. As of June 19, 2021, STEPP's driver's license still lists the 3RD PARTY RESIDENCE as STEPP's residential address. On June 22, 2021, your Affiant re-queried several law enforcement databases and verified that the 3RD PARTY RESIDENCE was associated with STEPP from November 30, 2019 to February 8, 2021. Your Affiant further verified through law enforcement databases that STEPP has been associated with the TARGET RESIDENCE from February 19, 2021 to June 21, 2021. Your Affiant has even observed a small black and pink personalized street sign located/posted near the southern end of the driveway at the TARGET RESIDENCE that reads "JUSTIN BLVD."
5. Through surveillance and queries on law enforcement databases, Your Affiant was also able to determine STEPP has a grey BMW (NM plate RBA090) registered in his name, but the address listed on the registration is the 3rd PARTY RESIDENCE. On numerous occasions between February 2021 and June 2021, your Affiant and/or other law enforcement observed the grey BMW parked at the TARGET RESIDENCE. Your Affiant and/or other law enforcement never observed the BMW parked at the 3RD PARTY RESIDENCE. During the same aforementioned time frame, your Affiant observed a white Chevy truck (NM plate AWGY50; hereinafter referenced as WCT) parked at the TARGET RESIDENCE; the WCT was previously identified during CCOSO's February 2021 contact with STEPP's family as being owned/registered to STEPP's mother, D.P and STEPP's step-father, W.H. at the 3RD PARTY RESIDENCE, but W.H. advised CCOSO that STEPP was the one who used it. Between February and June of 2021, your Affiant only observed the WCT parked at the TARGET RESIDENCE.
6. During the timeframe of February 2021 and June 2021, your Affiant also observed a black sedan (NM plate ANCN74) at the TARGET RESIDENCE. Your Affiant confirmed the black sedan was the same Nissan Sentra that MCCOSO and CCOSO contacted in Feb 2021, where S.R. was the driver and STEPP was the front passenger referenced in federal complaint/arrest warrant 21-mj-0488. On several occasions between February 2021 and June 2021, your Affiant observed the Sentra parked at the TARGET RESIDENCE. During that timeframe, your Affiant did not ever observe the Sentra parked at the 3RD PARTY RESIDENCE.
7. Your Affiant has also observed STEPP arrive at and patronize a business location/convenience store in Thoreau, NM within approximately 13 miles from the TARGET RESIDENCE and 3RD PARTY RESIDENCE. In this instance, STEPP was observed as the driver of the WCT. STEPP was carrying and/or pulling a laundry basket with clothes inside it. Your Affiant also observed on a separate occasion S.R. doing laundry within the same business location/convenience store in Thoreau. Through your Affiant's case investigation, your Affiant also learned and/or has observed STEPP and/or

STEPP's girlfriend S.R. patron other businesses in McKinley County and Bernalillo County. Your Affiant has observed and/or learned that STEPP and S.R. occupied either the WCT or the Sentra in those instances.

8. On June 1, 2021, your Affiant observed STEPP walking south on Walleye Dr. towards the TARGET RESIDENCE and 3RD PARTY RESIDENCE. Your Affiant observed STEPP in athletic shorts and was able to identify STEPP by his build/appearance and tattoos on his body. Your Affiant subsequently observed STEPP walk into the driveway/property of the 3RD PARTY RESIDENCE, but your Affiant was unable to observe STEPP enter the door of the 3RD PARTY RESIDENCE.
9. During the same February 2021 to June 2021 timeframe, your Affiant observed on several occasions the BMW, the WCT, and the Nissan parked at the TARGET RESIDENCE in the hours of 6am to 8am as well as the hours of 8pm to 9pm. Based on above information, your Affiant opines that STEPP currently resides at the TARGET RESIDENCE but may be located within the 3RD PARTY RESIDENCE due to STEPP's previous residential history, statements made by STEPP in February of 2021 (in reference to no water at the TARGET RESIDENCE), and your Affiant's previous observation of STEPP walking up Walleye Dr. in athletic/work-out style apparel and walk over to driveway of 3RD PARTY RESIDENCE vs. walk over to the TARGET RESIDENCE.
10. Your Affiant requests authorization to search for STEPP at both the TARGET RESIDENCE and at the 3RD PARTY RESIDENCE, and any/all detached/stand-alone structures located on the property, including but not limited to all vehicles that are situated on the curtilage of the TARGET RESIDENCE and 3RD PARTY RESIDENCE. Furthermore, your Affiant respectfully requests permission to search & seize STEPP, when located within TARGET RESIDENCE and/or 3RD PARTY RESIDENCE in order to execute the federal arrest warrant Judge Yarbrough issued in cause number 21-mj-0488.

Respectfully submitted,



Rachel D. Alonzo
Special Agent
ATF

Subscribed electronically and sworn telephonically
on June 28, 2021:



Attachment A

DESCRIPTION OF PROPERTY TO BE SEARCHED

This Search Warrant is for the “TARGET RESIDENCE” located at 14 Walley Dr., in Thoreau, NM (approx. 35.276111, -108.128611), encompassing a white/off-white in color “double-wide” style trailer with yellow trim, located inside the county of Cibola and will include the search of the residence and any/all detached/stand-alone structures located on the property (including but not limited to all vehicles located within the curtilage of property). The “TARGET RESIDENCE” is located directly across the street, caddy-corner to the north of the 3RD PARTY RESIDENCE. STEPP is believed to reside/stay within TARGET RESIDENCE and/or the “3RD PARTY RESIDENCE”. STEPP is subject to a federal AW issued on 04/15/2021 (mj 21-0488).

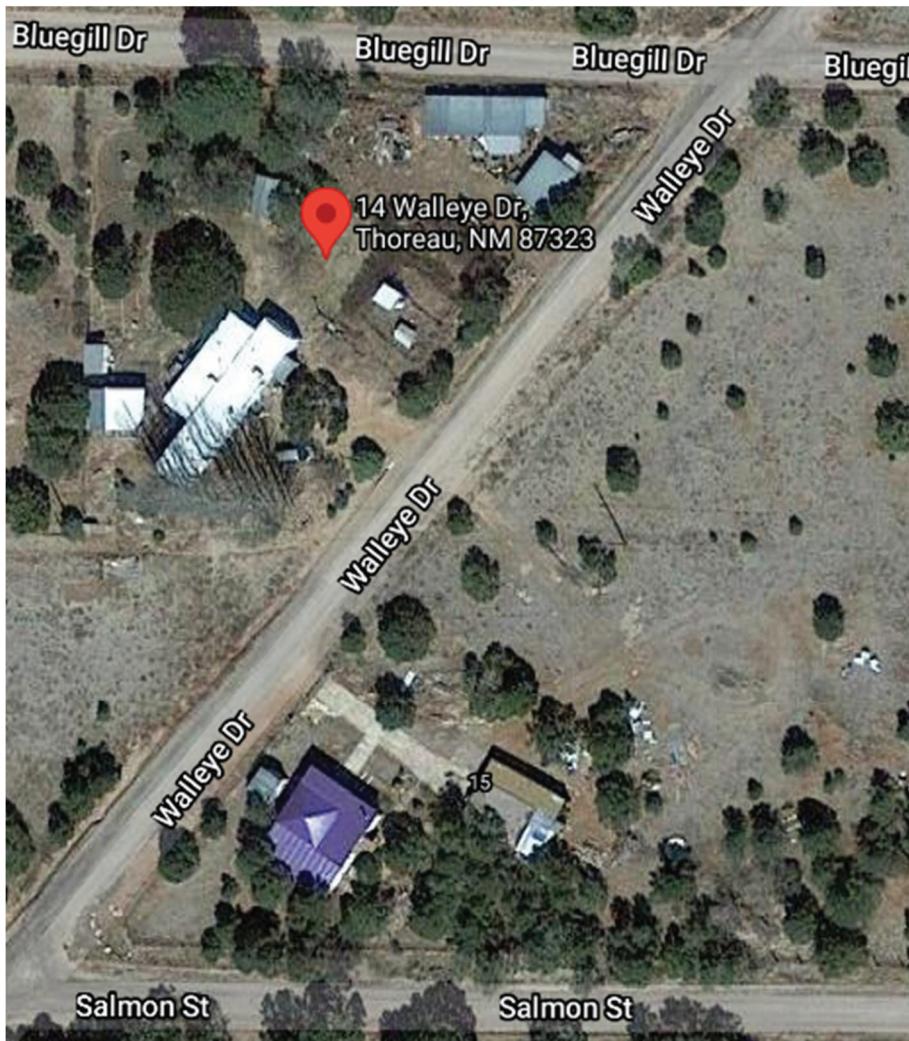


Images from street approx. 02/08/2021

Google Earth images:



Google Maps images:





Attachment B

DESCRIPTION OF PERSON TO BE SEIZED

1. Justin STEPP (Male, White, 04/XX/1983, 5XX-4X-1675). STEPP is believed to be residing at TARGET RESIDENCE (14 Walleye Dr., Thoreau, NM; approx. 35.276111, -108.128611) and/or located at 3RD PARTY RESIDENCE (15 Walleye Dr., Thoreau, NM; approx. 35.275556, -108.128611) directly caddy-corner across the street from TARGET RESIDENCE. Both TARGET RESIDENCE and 3RD PARTY RESIDENCE are located within the county of Cibola in the State of New Mexico.

